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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,521	01/18/2001	Raja Daoud	10002667-1	6409

7590 04/20/2005
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

BASOM, BLAINE T

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/764,521

Applicant(s)

DAOUD ET AL.

Examiner

Blaine Basom

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

4

DETAILED ACTION

Response to Arguments

In view of the appeal brief filed on 12/3/2004, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7-8, 10, 15-17, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,470,269, which is attributed to Adar et al. (hereafter referred to

Art Unit: 2173

as “Adar”). In general, Adar presents a method for instituting “time discrimination” in world wide web pages, which is meant to maximize the amount of advertisements presented to users (see column 2, line 34 – column 3, line 46).

Particularly regarding claims 1, 8, and 16, Adar discloses that such a method entails monitoring user interaction with a computer during a computer session, specifically, while the user browses the Internet (for example, see column 7, lines 12-48). Adar discloses that this monitored user interaction is used to generate or update a profile for the particular user; the user profile comprises information used to provide “confidence levels,” which indicate how many links the user is willing to go through until he or she arrives at desired information (for example, see column 7, lines 12-48). Accordingly, such confidence levels are each considered indicative of a user patience level, like that recited in the claimed invention. These confidence levels are used to optimize the user’s browsing experience, so that for example, a user more willing to traverse a larger amount of web pages is presented with a larger sequence of web pages than a user that is less willing to traverse a lot of web pages to arrive at desired information (see, for example, column 7, line 12 – column 8, line 13). Consequently, Adar is considered to teach to teach a method like that recited in claim 1, which is for optimizing a computing session for a particular user, the method comprising: monitoring user interaction with a computer during a computer session; generating an interaction profile based on the monitored user interaction, the generating including assigning a user patience level for the particular user; and, optimizing the computing session based at least in part on the generated interaction profile and on a response policy. Regarding claims 8 and 16, it is understood that this method may be implemented, via program code, within a server (for example, see column 1, line 20 – column 2, line 21; and

Art Unit: 2173

column 7, line 57 – column 8, line 5). Such a server implementing the above-described method is consequently considered an apparatus like that described in claims 8 and 16, which are for optimizing a computing session for a particular user.

In reference to claims 2 and 4, Adar teaches monitoring user interaction while the user browses the Internet, whereby as described above, this monitored user interaction is used to generate a profile for the particular user; the user profile comprises information used to provide “confidence levels,” which indicate how much time, in links, the user is willing to go through until he or she arrives at desired information. Adar discloses that the amount of links that a particular user is willing to traverse when seeking information may be based on the category of information (for example, see column 6, lines 57-67). Accordingly, it is understood that when monitoring user interaction, and generating a user profile based on this interaction, the method of Adar entails identifying a user purpose, specifically, the category of information which the user seeks. Adar thus teaches monitoring user queries to determine the category of information sought after by the user, and monitoring the amount of links in which the user traverses when finding information regarding a query, whereby if the user submits another query after finding the information – as is common – provides an indication of the amount of time between the queries.

Concerning claim 3, Adar teaches monitoring user interaction while the user browses the Internet, and as described above, generating a profile for the particular user based on this monitored user interaction. As this user profile comprises information indicating how many links the user is willing to go through until he or she arrives at a desired web page, it is understood that such behavior, specifically how many links the user traverses before quitting, and

Art Unit: 2173

how often the user quits, is observed while monitoring the user. In other words, it is understood that the above-described user profile, and particularly its patience level, is generated in response to monitoring user abort time and user abort frequency, like recited in claim 3.

With respect to claims 7, 10, and 17, Adar teaches monitoring user interaction while the user browses the Internet, and as described above, generating a profile for the particular user based on this monitored user interaction. Adar further teaches optimizing a computing session for the particular user by formatting web pages based on this generated profile, particularly so that a user more willing to traverse a larger amount of web pages is presented with a larger sequence of web pages than a user that is less willing to traverse a lot of web pages to arrive at desired information (see, for example, column 7, line 12 – column 8, line 13). Adar discloses that one way in which this is done is by adding or removing links from web pages, which is considered adding or removing display detail (for example, see column 7, line 12 – column 8, line 13).

In regard to claim 15, it is understood that the above-described teachings comprise monitoring user interaction with a computer, wherein the user interaction is through an Internet browser (for example, see column 2, line 34 – column 3, line 46; and column 7, lines 12-48).

As per claim 20, Adar teaches identifying a user purpose and an associated patience level for the particular user, whereby as described above, such information is associated with a user profile. Accordingly, Adar is considered to teach creating a session ID based on the assigned user patience level and on the identified user purpose.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 6, 8, 9, 11-14, 16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,438,592, which is attributed to Killian, and also over the U.S. Patent of Adar, which is described above. In general, Killian describes a system for monitoring user interaction with a web site and subsequently modifying the format of the web site (for example, see the abstract). As a result, the delivery time of web pages of the site may be improved (for example, see the abstract). Specifically regarding claims 1, 5, 6, 8, 9, 16, 18, and 19, Killian discloses that, in response to an initial URL request from a client, the server transmits "performance monitoring" instructions to the client computer (see column 3, lines 23-46). These performance monitoring instructions are executed by the client computer when retrieving subsequent content from the server, and are responsible for sending to the server "performance messages" indicating the time required to receive and display such subsequent content (see column 3, lines 23-46). The server receives such performance messages from the multitude of clients computers with which it is associated, and uses the performance data comprised within such messages to generate three data structures: a "clientSpaceTree," a "serverSpaceTree," and a "msgHistory" (see column 9, line 61 – column 10, line 11). These three data structures are considered to comprise an "interaction profile" like that recited in the claimed invention, as they collectively describe the interaction between the server and each user. Killian particularly

Art Unit: 2173

discloses that for each client computer, a “browserID node” exists in the clientSpaceTree, and represents that client computer (see column 19, lines 32-55). More particularly, this browserID uniquely identifies the browser application used by the client (see column 8, line 64 – column 9, line 6). Thus regarding claim 5, generating the interaction profile described by Killian necessitates gathering system data including this browserID, which is considered to uniquely identify the user platform, and more specifically, the browser application in use on this user platform. In addition, Killian discloses the serverSpaceTree, which as described above is part of an interaction profile, comprises a node for each file stored on the server (see column 22, lines 10-32). It is understood that such files comprise the web pages and web page components which are sent to the client computers (for example, see column 23, lines 31-53). As such web page components are logically deployed within the web pages, these web page components are considered “resources” like those recited in the present application. Thus generating the interaction profile described by Killian necessitates gathering system data including available resources. Killian further discloses that each browserID node comprises performance data relating to the client associated with the node (see column 21, lines 27-45). If this performance data indicates a problem for a particular client, such as an unacceptable length of time required to receive and download content from the server to the client, the browserID node associated with the client is designated as a “problemNode” (see column 26, lines 25-38). In response to subsequent requests by a client represented by such a problemNode, the server generates a “light version” of the requested web page and delivers it to the client (see column 25, line 46 – column 26, line 11). The light version of the requested web page comprises fewer or smaller images in order to improve delivery time of the web page to the client (see column 4, lines 20-34). Such

Art Unit: 2173

images are web page components, and thus as expressed in the paragraph regarding claim 5, are considered resources. Consequently regarding claims 6, 9, and 18-19, Killian teaches optimizing the computing session by allocating a number of these resources based on the above-described interaction profile and response policy, the response policy involving the delivery of lighter versions of web pages to the client if the interaction profile of the client shows an unacceptably high delivery time for content to the client. Thus to summarize, Killian describes a method like that of claims 1, 5, and 6, which is for optimizing a computing session with a server for a particular user, the method comprising: monitoring the user's interaction with a computer during the computing session, or more specifically, monitoring the user's access of web pages displayed by the computer during the computer session; generating an interaction profile, which is maintained by a clientSpaceTree, a serverSpaceTree, and a msgHistory data structure, and which is based on the monitored user interaction; and lastly, optimizing the computing session with the server based at least in part on the generated interaction profile and a response policy, wherein particular, this response policy involves delivering lighter versions of web pages to the client if the interaction profile of the client shows an unacceptably high delivery time for content to the client. Killian, however, does not explicitly disclose that generating the user interaction profile comprises assigning a user patience level, as is expressed in claims 1, 8, and 16.

Like Killian, Adar teaches monitoring user interaction with a web site and subsequently modifying the format of the web site, as is described above. Adar particularly teaches assigning a user patience level for each particular user, and modifying the website based on this user patience level, as is further described above. It would have been obvious to one of ordinary skill in the art, having the teachings of Killian and Adar before him at the time the invention was

Art Unit: 2173

made, to modify the interaction profile taught by Killian to also include the patience level taught by Adar, whereby the web site is modified based on this patience level. It would have been advantageous to one of ordinary skill to utilize such a combination because, as taught by Adar, modifying a web site based on this patience level may increase the amount of time a user spends on the web site, thus subjecting the user to further advertisements and increasing the revenues of the web site provider (for example, see column 2, line 34 – column 3, line 46).

Referring to claims 11-13, the interaction profile described by Killian comprises system data, including platform type, an application ID, and resource availability, as is described above. As further described above, Adar teaches that such a profile may comprise user data, comprising a user purpose and a user patience level, as is also described above. Accordingly, the above-described combination of Killian and Adar is considered to teach an interaction profile like that described in claims 11-13, which comprises such features.

In reference to claim 14, Killian teaches that the program code used to implement the above-described teachings may be part of an applet (for example, see column 3, lines 33-46).

Art Unit: 2173

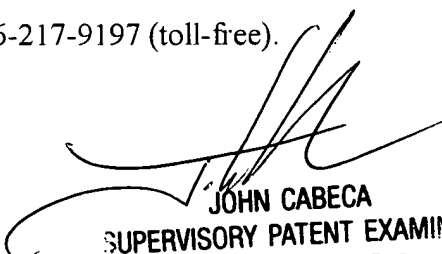
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (571) 272-4044. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

btb


JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 21